

# DECISION



THE COMPTROLLER GENERAL  
OF THE UNITED STATES  
WASHINGTON, D. C. 20548

61605

FILE: B-186542

DATE: June 17, 1976

MATTER OF: Rushforth Construction Company, Inc.

98421

## DIGEST:

GAO is precluded from rendering authoritative decision on protest filed against procurement conducted on behalf of nonappropriated fund activity since accounts of such activities do not fall within account settlement authority of 31 U.S.C. §§ 71 and 74 (1970) upon which bid protest jurisdiction is based. Pursuant to section 301 of Public Law 93-604 which provides GAO with audit but not settlement authority over nonappropriated fund activities, matter will be retained for audit consideration.

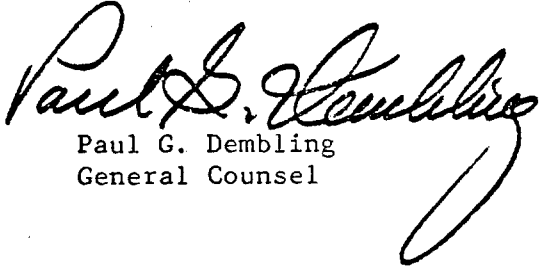
Rushforth Construction Company, Inc. (Rushforth) protests the rejection of its bid submitted under Invitation for Bids (IFB) F45603-76-09014, issued by the Procurement Office, McChord Air Force Base, Washington.

We have been advised that this procurement involves the construction of a bowling alley and will be funded solely with nonappropriated funds. In ACS Construction Company, Inc., B-183034, April 18, 1975, 75-1 CPD 238, we stated the following with respect to our consideration of protests involving nonappropriated funds:

"\* \* \* We have previously held that this Office is without authority to render \* \* \* decisions with respect to procurements conducted by or on behalf of nonappropriated fund activities. B-181469, July 9, 1974; B-179854, October 29, 1973; B-178786, July 16, 1973; B-171417, December 17, 1970. Although recently this Office was authorized to review and audit the operations and funds of certain nonappropriated fund activities, see section 301 of the General Accounting Office Act of 1974, Public Law 93-604, approved January 2, 1975, our bid protest jurisdiction is based on our authority to adjust and settle accounts and to certify balances in the accounts of accountable officers

under 31 U.S.C. 71, 74 (1970). Wheelabrator Corp. v. Chafee, 455 F. 2d 1306, 1313 (D.C. Cir. 1971); 46 Comp. Gen. 441 (1966); B-167782, January 21, 1970. Where we do not have such settlement authority, we have declined to consider protests \* \* \*."

Since the accounts of nonappropriated fund activities do not fall within our account settlement authority, this Office is unable to render a decision on the merits. However, the correspondence from the protester will be retained for audit consideration pursuant to section 301 of Public Law 93-604.

  
Paul G. Dembling  
General Counsel